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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,407	03/31/2004	Luiz Cesar Zaniolo	2003P16618 US	5393

7590 04/03/2008  
Elsa Keller  
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EXAMINER
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HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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04/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/814,407	<b>Applicant(s)</b> ZANIOLO ET AL.	
	<b>Examiner</b> Kevin C. Harper	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-8, 20-21, 24-25 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Cloonan et al. (US 2002/0126699).

1. Regarding claims 1, 20-21, 25 and 29, Cloonan discloses a method of managing traffic on a switching system (fig. 1) comprising determining or updating a level of system traffic across a system (fig. 2, item 225), correlating the determined traffic level with a predetermined level of available service functionality (paras. 22-23 and 53), and establishing an available services list (para. 55, lines 1-4).
2. Regarding claims 3-5, the traffic determination is periodic, executed by a central server (item 302), and initiated upon receipt by a service request (para. 53, lines 1-12).
3. Regarding claims 6 and 24, the table includes a list of services (para. 55, lines 1-4) including an upper traffic limit and a lower traffic limit (para. 51, lines 1-3).
4. Regarding claims 7-8, the service availability is weighted (para. 55, lines 1-4; note: the services receive a weighted percentage of the available bandwidth).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2616

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2, 11-13, 18-19, 22 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloonan et al. in view of Synnestvedt et al. (US 2008/0031439).

5. Regarding claims 2, 11-13, 18-19, 22 and 26-27, the method further comprises receiving a service request from a requesting end point (para. 55, lines 6-7) and determining whether the service request is one of the available services on the available services lists (para. 55, lines 6-12).

6. However, generating a service availability message for the requested service and transmitting the service availability message to the requesting endpoint. Synnestvedt discloses transmitting an acceptance/denial message to an endpoint based on a call request (para. 28).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit a message in response to a call admission control decision in the invention of Cloonan in order to notify the destination of the decision (Synnestvedt, para. 28).

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloonan et al. in view of Ni (US 2003/0122387).

7. Regarding claims 9-10, Cloonan does not disclose voice or video services. Ni discloses voice and video services (para. 19). Therefore, it would have been obvious to one skilled in the art to provide voice and video services in the invention of Cloonan in order to distinguish and manage these services by class (Ni, paras. 19 and 29).

Claims 14-17, 23, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloonan et al. in view of Synnestvedt et al., as applied to claim 12 or 27 above, and in further view of Choksi (US 6,978,144).

8. Regarding claims 14-17, 23, 28 and 30, Cloonan in view of Synnestvedt discloses providing call admission control and notifying a user of the result of the call admission determination. However, Cloonan in view of Synnestvedt does not disclose queuing a request. Choksi discloses queuing a service request (fig. 2, item 82). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to queue service requests in the invention of Cloonan in view of Synnestvedt in order to consider the service requests based on priority (Choksi, col. 1, lines 56-59).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ramamurthy et al. (US 6046,981; fig. 2, item 240) and Iwamura et al. (US 2002/0102986; fig. 3) each discloses providing a call admission based on available bandwidth within a service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached at 571-272-2092. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is [kevin.harper@uspto.gov](mailto:kevin.harper@uspto.gov).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see [portal.uspto.gov](http://portal.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin C. Harper/

Primary Examiner, Art Unit 2616

March 30, 2008